

REMARKS/ARGUMENTS

The present communication responds to the Office Action dated August 17, 2006.

Claims 1 through 11 were pending.

Claim 1 has been canceled.

Claims 1 through 11 were rejected.

Claims 2 through 11 are now pending.

Cancellation of the claim is not an acquiescence to any of the rejections but is being done merely to expedite the prosecution of the remaining claims. Applicant reserves the right to prosecute this claim in this or another subsequent application

Rejection of Claim 1 Under 35 U.S.C. § 102(b)

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,539,853 Meyers et al. (hereinafter "Meyers") and U.S. Patent No. 4,622,838 Schafer. Applicant respectfully traverses the basis of the rejection for the following reason.

Claim 1 has been canceled, thereby obviating the basis for this rejection.

Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 1 through 11 under Non-Statutory Obviousness-Type Double Patenting

Claims 1 through 11 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,701,762.

Applicant respectfully traverses the basis of the rejection for the following reasons.

Claim 1 has been canceled, thereby obviating the basis for this portion of the rejection.

Applicant has submitted concurrently herewith a terminal disclaimer in view of U.S. Patent No. 6,701,762, thereby obviating the basis of this rejection.

Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In light of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested. If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-340-8819.

No additional claim fees should be generated by this paper. However, the Commissioner is hereby authorized to charge any fee deficiency associated with this paper to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date:

September 16, 2006

By:

Scott D. Rothenberger

Scott D. Rothenberger, Esq.

Reg. No. 41,277

Phone: (612) 340-8819